AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings includes changes to Figure 1.

Attachment: Replacement sheet

REMARKS

The drawings have been objected to as failing to label Figure as "prior art." Figure 1 has been amended.

The specification has been objected to since the description corresponding to Figure 1 should be in the Background of the Invention. The specification has been amended accordingly. No new matter has been added.

Claims 10 and 14 have been objected to in the Office Action. Claims 10 and 14 have been amended accordingly.

Claims 13 and 16 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claim 9 of co-pending Application No. 10/088,088; and claims 14-15 and 17-19 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claim 9 of co-pending Application No. 10/088,088 in view of Smith. Since this is a provisional rejection, Applicants will properly address the claims upon allowance of this application.

Claims 13, 15, 16 and 19 have been rejected under 35 USC 102(e) as anticipated by Smith. The rejection is respectfully traversed.

The present invention relates to a communication system in which communications links may be set up and cleared. In the system and method, a high level of flexibility with regards to adaptation to the number of communications links to be provided is ensured. In one embodiment, a connection is set up by call processing via an existing fixed connection element in the transport network, since this means that there is no need for time-consuming connection processing in the transport network. This differs from the conventional art where information is supplied to a central device. Messages are then gathered and distributed by a signaling device and interchanged between the central device and a peripheral device, and call processing controls the setting up and clearing of

connections. The control and connection functions are thereby carried out by a single physically integrated functional unit in the network.

Smith discloses a broadband switching system for switching asynchronously transferred cells of data, where a dynamic bandwidth controller controls the application of data cells to an input port of the system. The Examiner refers to Figure 1, the connection between end-stations 14, public network, ATM, and col. 5, lns. 1-2 of Smith as disclosing a transport network.; a control network as CAC and DBC, the device arranged physically separately from the transport network (CAC separate from the switches 12); and a first device as CAC 18 and at least two decentralized switching devices 12.

Applicants respectfully disagree with the Examiner. Specifically, Smith fails to disclose a control network having a device to control setting and clearing of connections in the transport network, where the device is arranged physically separately from the transport network, as required by the claimed invention. Rather, the device to control setting and clearing of connections in Smith (namely, CAC 18 according to the Examiner), is clearly located within the transport network (represented, according to the Examiner, by the connection between end stations 14).

Since the recited structure is not disclosed by the applied prior art, claim 13 is patentable. Claims 15, 16 and 19, depending directly or indirectly from claim 13, are similarly patentable.

Claims 9 and 12 have been rejected under 35 USC 103(a) as unpatentable over Gardner in view of Applicant's admitted prior art. The rejection is respectfully traversed.

Gardner discloses a system for connecting a call having user communications and call signaling. A control message is transported in an asynchronous transfer mode format, and an inter-working unit is adapted to receive the user communications in a communication format and receive the control message from a signaling processor in the asynchronous transfer mode format. More specifically, the Examiner states that Gardner teaches "setting up a communications link by using the call processing and at least one connection element (fig. 6 box 204, transports call signaling via

the cross connect, col. 15 lines 11-14) which is set up in the transport network...." Applicant's respectfully disagree.

In the claimed invention, the communications link is set up by using the call processing and at least one existing fixed connection element which is set up in the transport network. Gardner fails to disclose this claimed feature. Moreover, there is no reason why one having ordinary skill in the art would have been motivated to combine the Gardner reference with Applicant's admitted prior art. Indeed, on Applicant's invention provides reasons for this motivation, which at best may be considered hindsight reasoning on the part of the Examiner.

Since the recited method is not disclosed by the applied references, either alone or in combination, claim 9 is patentable. Claims 12, depending from claim 9, is similarly patentable.

Claims 10, 11, 14, 17 and 18 have been rejected under 35 USC 103(a) as unpatentable over various combinations of Gardner in view of Applicant's admitted prior art, further in view of Smith. The rejections are respectfully traversed for the same reasons presented in the arguments for claims 9 and 12 above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122025100.

However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 11, 2006

Respectfully submitted,

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Attachments

REPLACEMENT SHEET